

Matthew J. Preusch (Bar No. 298144)
 mpreusch@kellerrohrback.com
 Khesraw Karmand (Bar No. 280272)
 kkarmand@kellerrohrback.com
 KELLER ROHRBACK L.L.P.
 1129 State Street, Suite 8
 Santa Barbara, CA 93101
 (805) 456-1496, Fax (805) 456-1497

Attorneys for Plaintiffs
(Additional Counsel on Signature Page)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SHAHRIAR JABBARI and KAYLEE
 HEFFELFINGER, on behalf of themselves and all
 others similarly situated,

Plaintiff,

v.

WELLS FARGO & COMPANY AND WELLS
 FARGO BANK, N.A.,

Defendant.

No. 15-cv-02159-VC

**NOTICE OF RELATED CASES
 PURSUANT TO CIVIL L.R. 3-12 TO BE
 FILED IN CASE NO. 15-CV-02159-VC AND
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES SHOULD
 BE RELATED PURSUANT TO CIVIL L.R.
 7-11**

Plaintiffs Shahriar Jabbari and Kaylee Heffelfinger (“Plaintiffs”) by and through their attorneys
 of record hereby respectfully submit this Notice of Related Cases pursuant to Civil L.R. 3-12 and the
 required Administrative Motion to Consider Whether Cases Should be Related pursuant to Civil L.R. 7-
 11.

I. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12

Under Civil Local Rule 3-12, an “action is related to another when: (1) the actions concern
 substantially the same parties, property, transaction or event, and (2) it appears likely that there will be
 an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted
 before different Judges.” Civil L.R. 3-12(a).

Whenever a party knows or believes that an action may be related to an action which is or was pending in the Northern District, said party “must promptly file in the earliest-filed case an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11.”¹ Civil L.R. 3-12(b). That motion must include: “(1) The title and case number of each apparently related case; (2) A brief statement of the relationship of the actions according to the criteria set forth in Civil L.R. 3-12(a).”

II. JABBARI AND HEFFELFINGER SHOULD BE RELATED

The *Jabbari* case was filed on May 14, 2015. The *Heffelfinger* case (*Heffelfinger v. Wells Fargo Company, et al.*, No. 15-cv-02942-SC) was filed on June 24, 2015. On June 24, 2015, Ms. Heffelfinger filed a Notice of Related Actions citing her case’s relation to the *Jabbari* case. (*Heffelfinger* ECF 03). On July 30, 2015, Ms. Heffelfinger filed a notice of voluntary dismissal in her action. (*Heffelfinger* ECF 28). On July 30, 2015 Mr. Jabbari filed a consolidated amended complaint in the instant action consolidating Ms. Heffelfinger’s claims with his in order to conserve judicial resources and avoid inconsistent results. (ECF 37). Plaintiffs and the defendants in this matter subsequently filed a Joint Case Management Statement in which Plaintiffs noted that the joinder of Plaintiffs’ claims in the Consolidated Amended Complaint “is intended to “promote the just, efficient, speedy, and economical” determination of this action.” (ECF 39 a 6) (citing Civ. L.R. 1-2(b)).

These cases should be related to each other as they concern substantially the same parties, property, transaction or event, and appear likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

Both of these cases revolve around Wells Fargo’s practice of opening unauthorized accounts and services in the names of existing clients. Mr. Jabbari and Ms. Heffelfinger both suffered from nearly

¹ In addition to complying with Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to Civil L.R. 5-6, must be served on all known parties to each apparently related action. A Chambers copy of the motion must be lodged with the assigned Judge in each apparently related cause under Civil L.R. 5-1(b).” Civil L.R. 3-12(b).

1 identical practices: they both had legitimate accounts with Wells Fargo, and without their knowledge or
2 consent, Wells Fargo began opening accounts in their names, charging them fees on those accounts, and
3 using money in their legitimate accounts to pay the fees generated by the fraudulent accounts.

4 Not only are the facts underlying the Plaintiffs' cases nearly identical, the causes of action they
5 state, too, have substantial overlap. Although each brings state law claims – Mr. Jabbari's under the laws
6 of California and Ms. Heffelfinger under the analogous Arizona laws – they also bring several identical
7 causes of action under federal law. As such, a decision regarding one Plaintiff will bear significantly on
8 the claims of the other Plaintiff. And, both Plaintiffs seek to serve as class representatives of a
9 nationwide class of similarly situated victims.
10

11 In sum, because of the coextensive nature of the legal and factual issues at issue in Mr. Jabbari's
12 and Ms. Heffelfinger's cases, they are intimately related and should be consolidated in Mr. Jabbari's
13 case before this Court, as it was the first-filed of the two cases.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 DATED this 10th day of August, 2015.

2 KELLER ROHRBACK L.L.P.

3
4 By /s/ Daniel P. Mensher

5 Matthew J. Preusch (Bar No. 298144)

6 Khesraw Karmand (Bar No. 280272)

7 1129 State Street, Suite 8

8 Santa Barbara, CA 93101

9 Tel: (805) 456-1496

10 Fax: (805) 456-1497

11 mpreusch@kellerrohrback.com

12 kkarmand@kellerrohrback.com

13 Gretchen Freeman Cappio, *admitted pro hac vice*

14 Daniel P. Mensher, *admitted pro hac vice*

15 KELLER ROHRBACK L.L.P.

16 1201 Third Avenue, Suite 3200

17 Seattle, WA 98101-3052

18 Tel: (206) 623-1900

19 Fax: (206) 623-3384

20 gcappio@kellerrohrback.com

21 dmensher@kellerrohrback.com

22 *Attorneys for Plaintiffs Shahriar Jabbari and*
23 *Kaylee Heffelfinger*
24
25
26
27
28

KELLER ROHRBACK L.L.P.
1129 STATE STREET, SUITE 8, SANTA BARBARA, CALIFORNIA 93101

CERTIFICATE OF SERVICE

I, Daniel P. Mensher, hereby certify that on this 10th day of August, 2015, I electronically filed NOTICE OF RELATED CASES PURSUANT TO CIVIL L.R. 3-12 TO BE FILED IN CASE NO. 15-CV-02159-VC AND ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL L.R. 7-11 with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Daniel P. Mensher

Daniel P. Mensher